P. 7. 57-98

G. R. S. IX-5]

Previous references.

LR. 72-90.

1897-98

192

(LR)

File No. 88-97

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1-5

In ~~Part~~ B for February 1899.

SUBJECT.

Dismt Regarding a Paiki Claim of Pallahalli Village, Sriranganatna Taluk.

WD 3238 G.P.S.—20,000—11-6-20

Condition-pd.
1K Indexed

Order

This is an appeal against the order of the Sub-Collector appointing Respondent to the post of Patel of Palhalli village. While the Respondent's father was alive, the appellant's father moved the Revenue Courts to recognise his right to the office which was being performed by the former since 1862-63. The Chief Court in its order No 1402/719 of 11th May 1877, held that the appellant's father had forfeited his hak by his own laches, as he was not a minor when the Respondent's father was appointed to the office. The arrangement then made was allowed to exist until the Survey settlement. Post in December 1879 after the Survey Settlement, the appellant was appointed a joint Patel, as it was considered advisable to have two Patels to Palhalli as the revenue had increased from Rs 3 000 to Rs 5 000 and odd per annum. The Court however in their order No 3628/71 of 13th June 1871, decided that it was against the law to have two Patels to one and the same village. Accordingly the order appointing the joint Patel was cancelled, and he was directed to assert his right

when a vacancy occurred. Now since Tirmangowda having died leaving four sons the appellant has come forward to claim the Office. The eldest son of Timma Gowda, viz Siddegowda alias Gowda was appointed by the Sub-Ordy Officer as the lawful heir to his father in succession. The defendant is against his order. I see no reason to interfere with the decision of the Sub-Ordy Officer considering that the Office was in the same family for the last 35 years, Respondent has the necessary qualifications to hold the Office, except that he has, according to Custom, mortgaged all his lands to a Brick party. If within two years from this date Respt does not redeem his property so as to be regarded to be sufficient, extent to perform the duties of the Patel of the important village of Gaddanakeri, his further relation in the Office as otherwise will have to be examined. This appeal is rejected with costs if any.

16/6/97

(Sd) C Madiah

Pet^r No 917.

1) Stamps sufficient

2) In time

3) appeal against the D^g Comm^r's order appointing the son of the deceased Rokel Thangwonda the office and refusing to appoint pet^r (who claims to be a half-brother) to be sole or joint Curator

4) Consular case

The respondents (through the Chief Comm^r's proceedings and forthcoming) show that the pet^r's claims to be a joint Curator were clearly known in 1891 & that he was a skilled & trusted Chief in the occurrence of a vacancy. The Commissioner's duty was to consider both the fitness of both parties for appointment & not merely the claims of the pet^r. The D^g Comm^r's order however shows that the c-pet^r (Rokel Thangwonda) has very little landed property

and a 2nd consideration

Mrs 23/11/97

Counsel must instructed especially as the statement that the Court considers pet^r's claims are all in the hands of others

9.12.97

KH 10/12/97

Mrs 11/12/97

120-11-29 Case

Draft

13/12/97

* Vide copy in the correspondence Records (Print No 18)

Before the Government of .

Appeal No. 36 of 1897-98

Appellant.	Vs.	Respondent.
Ungi Gowda		Giri Gowda

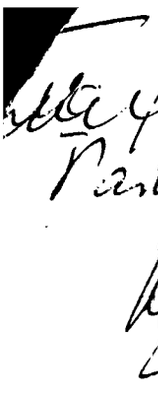
Pallalli, Seringapatam Taluk

Subject :— Dispute regarding the Patti of Pallalli village.

Order of the 5th Sept:

27/8/98

9596



(8)

1897

No. 97, Arzi 35
97-98

Name of Petitioner Illaya Gowda

Village Kanalli

Taluk Seringapatam

District Mysore

Date of Arzi

Date of Receipt

Date of Disposal

No. of Enclosure Nil.

ABSTRACT.

Appeals against the order [illegible] of the Deputy Commissioner Mysore in regarding petitioners claim to the Patti of Kalkatalli. This order is as follows:—

"All statements made by the appellants and the respondent Gowda in the appeals preferred to this office by Illaya Gowda against the order No 235 & 22.4.97 of the Sub-Asst Commissioner French Rocks regarding the claim to the office of Patel of Kanalli, have been carefully examined. From the above it is evident that Gowda's father Timmegowda was doing the duties of the Patel of Kalkatalli since 50 years and that since then appellants father Basavegowda had after [illegible] tion

a village Gowda also were
pleading for the right of the said
Patil in Revenue Courts. In the
Chief Commr's order No. 1487/G.19 dy 11.5.77
regarding the said Patil, it is stated
that the appellant's father had forfeited
his right to the office, as he had
allowed Timmegowda to do the duties
of the Patil without establishing his
own claim, although he was a major
at the time of the appointment
of Girigowda's father Timmegowda
to the said Patil of Pairakatte.
Timmegowda was solely doing the
duties of the Patil until the time
of the Survey Settlement of the village,
after the Settlement i.e. in 1889, the
French Karikal Sub-Divn officer approved,
on the recommendation of the Taluk
Authorities to the effect that it was
necessary to appoint two Patels to
the village owing to the fact that
the village revenue had been raised
from Rs 3000 and odd to 9,000 Rs and
that the duply work was heavy
and also that the appellant's nephew
should be appointed joint Patil.
Against this order Timmegowda appealed
to the Dt authorities, who confirmed
the Sub-Divn officer's order. On this confirmation
Timmegowda appealed to Govt. The Govt
in order No. 3628/71 dy 12-6-71 stated that
each village should have only one Patil and
that it was not the policy of the Govt: to
have two Patels and directed that Timmegowda
should solely do the duties of the Patil and that
Gowda might urge his claim when the
Patil falls vacant. Accordingly Timmegowda
was the sole Patil till March 1895 in which month
he died. This man has 4 sons. The French
Karikal Sub-Divn officer has confirmed the
appointment

appointment of the eldest of
these as Patil. The appointment
says that as the Patil has
fallen vacant, it should
be given to him. The order of
the French Police Judge office
to the effect that as the Govt.
is not in favour of the appointment
of two Patils in the village and
if the deceased Jivanelu Gouda
was doing without any further
the duties of the Patil for
the past 25 years, has some
fit to do the duties of the
Patil, Mayee Gouda could
not be appointed Patil
depriving them of their right
has been confirmed. The
Amildar is of opinion that
the fact of entrusting the
responsibility of collections
of such a large village
to Giralgouda whose landed
property is in possession of
others, is worth consideration
If within two years from the
date of this order, the said
Giralgouda does is not
found to befit himself
for the responsibility of

the

the Patel by redeeming his lands now in possession of others, the question of retaining him in office or otherwise subsequent to that is to be considered. The appeal is dismissed with costs. The English order is hereto annexed."

The grounds of appeal are as follow:—

① The Dy Commr: has taken only a part of the chief Commr's order into consideration leaving the rest entirely unconsidered. The chief Commr: did not at all say that the appeal was barred by the Law of Limitation, as alleged by the Dy Commr: on the other hand it is quite clear from the Amildar's judgment in R case No. 3 of 74-75 that the appellants' father had urged his claim before the limited time expired.

② The chief Commr's order simply meant that the appellants' father had to wait till the time of the Survey Settlement which

which was fast approaching, to have his case settled.

③ The 2nd Counsel is of opinion that the Govt: is not for the appointment of two Patils to the village. The order referred to by the 2nd Counsel is cancelled by Govt Res: No 10267/75 - 1055 dt 3-1-94. However, the Govt: in this order, have not rejected the claim of the appellant, but have only stated that his claims must be taken into consideration when the Patili falls vacant, merely because the other man was doing the duties thereof for a long time.

④ The Amildar has submitted a report stating that Gurlingappa was a pauper, that as such he was unfit to be entrusted with such a responsible work and that the appellant should be appointed a Patil.

⑤ From the records it will be observed that the appellant is a hakdar to the office in question. The Govt. Res: of the year 1874 permits the appointment of two Patils. The records will also prove that the appellant is a trustworthy, well-to-do and

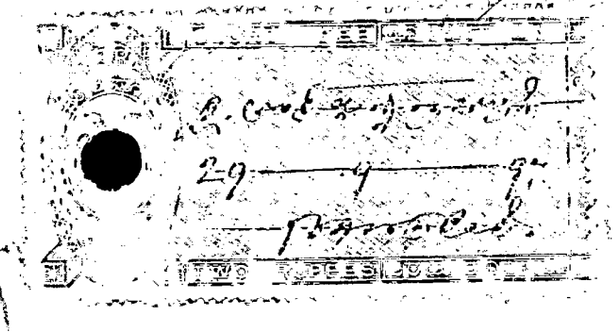
and literate man.

Prays that he may be appointed the Sole Patel or that he may be given the Police of the Revenue Patels.

C.S.R.
13.10.97.

Enclosure.

Order No. 1774 of the Bombay Gazette dt. 9.8.97. (Attested valid copy).



PETITION DEPARTMENT
REGD. No. 7418/97
DATE 6-10-97

ಶರಣ್ಣಿಗಳಿಗೆ ಶರಣ್ಣಿಗಳಿಗೆ ಶರಣ್ಣಿಗಳಿಗೆ

ಸಂಸ್ಥೆಯ ಸಂಸ್ಥಾಪಕರು ಮತ್ತು ಸಂಸ್ಥೆಯ ಪ್ರಥಮ ಅಧ್ಯಕ್ಷರಾಗಿ ಸೇವೆ ಸಲ್ಲಿಸಿದ ಶ್ರೀ ಎಂ.ಎಸ್. ಪುಟ್ಟಣ್ಣಯ್ಯ ಅವರ ಸ್ಮರಣಾರ್ಥ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಮಂಡಳಿಯು ಸಂಸ್ಥೆಯ ಆವರಣದಲ್ಲಿ ಅವರ ಪುತ್ಥಳಿಯನ್ನು ಸ್ಥಾಪಿಸಲು ನಿರ್ಧರಿಸಿದೆ. ಪುತ್ಥಳಿಯ ಅನಾವರಣ ಕಾರ್ಯಕ್ರಮವನ್ನು ಸಂಸ್ಥೆಯ ಸಂಸ್ಥಾಪನಾ ದಿನಾಚರಣೆಯಂದು ಏರ್ಪಡಿಸಲು ಆಡಳಿತ ಮಂಡಳಿಯು ತೀರ್ಮಾನ

ధర్మశీలం అను ధర్మదేవతావిమానంలో

ఆ స్వర్గవిమానం దగ్గర నీ ప్రయత్నం
పరిశీలించడమే మీ పని.

ఇక్కడ దూరంలో నీకు కనిపిస్తున్న
వైభవంగా వెలుగుతున్న విమానం నీది.
నీకోసం ఎన్నో అప్సరసలు, గంధర్వులు ఎదురు
చూస్తూ ఉంటారు. 44 కిలోమీటర్ల
అద్భుతమైన దారి. నీకోసం ఎన్నో అప్సరసలు
నీ కోసం ఎదురు చూస్తూ ఉంటారు. ఇక్కడ
నీకు ఎన్నో ఆనందాలు. ఇక్కడ ఎన్నో
ఆనందాలు. ఇక్కడ ఎన్నో ఆనందాలు.
ఇక్కడ ఎన్నో ఆనందాలు. ఇక్కడ ఎన్నో
ఆనందాలు. ఇక్కడ ఎన్నో ఆనందాలు.
ఇక్కడ ఎన్నో ఆనందాలు. ఇక్కడ ఎన్నో
ఆనందాలు. ఇక్కడ ఎన్నో ఆనందాలు.
ఇక్కడ ఎన్నో ఆనందాలు. ఇక్కడ ఎన్నో
ఆనందాలు. ఇక్కడ ఎన్నో ఆనందాలు.
ఇక్కడ ఎన్నో ఆనందాలు. ఇక్కడ ఎన్నో
ఆనందాలు. ఇక్కడ ఎన్నో ఆనందాలు.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

MEMORANDUM.

the accompanying Appeal Petition

No. dated

received at the Dewan's Office from

is forwarded, together with its enclosure, to the Deputy Commissioner of District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

for Chief Secretary.

BANGALORE,

14/12/1897

13/12/97

M.G.O.P.D.—26-4-98—1,000

LR 88-97-3

1898 — 9[th]

REVENUE DEPARTMENT
No. 275
JUL 14 1897
647
DEWAN'S OFFICE

From

The Deputy-Commissioner

Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 9[th] July 1898.
Despatched
Received

Enclosures No. Petition with 13m. Enquiry file & cover

General No: 13.

Reporting upon the petition from Maji Gauda of Kalkalli village, Srirangapatam Taluk.

Petition Branch
14/7/98

Respectfully submitted
16/7/98
Simple
19/7 18/7/98
Open file made.
19/7 19/7/98

No 5 2[nd] consider
Petr ref to adm in pet?
(Para 8)
20/7/98

Rotm
21.7.98

Portion
consd
under
25/7/98
26/7/98

Putting
27/7/98

No. 13

Enclosures No. Petition with Translation & Correspondence.

OFFICE OF THE Deputy Commr.
MYSORE DISTRICT,
Dated Mysore 9th July 1898
11

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to your official memorandum No. Pet. 709 dated 14th December 1897 forwarding for report, a petition from Marpi Gowda of Palhalli village, Seringapatam Taluk, appealing against this Office order refusing to appoint petitioner as Patél of the said village in the room of late Patél Thimmé Gowda, I have the honor to submit herewith, as per accompanying Panchayet, the records bearing on the subject, and to state that my order (in English) dated 16th June 1897 attached to the file explains the facts and circumstances of the case. A list of the lands held by counter-petitioner Gini Gowda jointly with his 3 brothers is appended in the margin. It is reported that the wet and garden lands have been mortgaged with possession, to one Lakkaraj Chetty of Mysore for Rs. 3000, that the counter-petitioner's share of the dry land has been sold to

one

one Bond and that the counter-petitioner has obtained a loan of Rs. 105 from the Agricultural Bank at Palladam on the security of the land mentioned land.

2. The order appealed against requires the counter petitioner to redeem the mortgage within two years and prove himself to be sufficiently solvent to discharge the duties of the Patéli office and any failure on his part will be duly noticed on the expiry of that period.

3. The enclosures of your memorandum under reply are herewith returned.

I have the honor to be,
Sir,
Your most obt. servant,

Deputy Commissioner
Mysore District.

Name of village.	Name of Khatedar	Amount in Decree.	Civil.			Jury.			Guardian.			Total.		
			Extent.	Assessment.		Extent.	Assessment.		Extent.	Assessment.		Extent.	Assessment.	
Kempalinga-puram.	Vinnié Gowda (deceased) Lake father & the counter-petitioner	66	3	32	8	"	"	"	,15	1	8	4	34	
		61	3	29		"	"	"	"	"	"	3	29	
		45	"	"		1½	10	18	"	"	"	14	18	
	Total -		7	61	8	1½	10	18	,15	1	8	22	81	

Compd. well

(11)

LR 88-97-4

Proceedings of the Supt of Myore

Appellant — Respondent

Kaji Sowda — Gurisowda

Read.

(1) Petn of appeal no 369 of 1897-98 preferred by Kaji Sowda of the Village of Vallahalli, Seringapatam taluk, against the order of the Dy Comr, Myore dt. declining to appoint the appellant either as Shanbogue joint patel of the said Village.

(2) Letter no 13 dt 9/7/98 from the Dy Comr, Myore dt. reporting on the above

(3) Records of the Case.

Draft for appl.
Std by 1st Counsellor
by 20/2/98
10685

20. 2 98.

Prepare Kan ord.
by 21/2/98.

Thomine Sowden, father of
the respt, became Hereditary
Patel of the Village in 1862-63
In 1874-5 Mari Sowden, father
of the appellt brought a suit
in the Court of the Dy Comr,
Mysore Dt for the recovery
of the patels office & obtained
a decree entitling him to
officiate as joint patel.
This decree was confirmed
in appeal by the Comr of
Ashtagram Dn but was
reversed in second appeal
by the Ch Comr who observed
that Mari Sowda "had forfeited
his rights, if he had any, by his
own laches & that it was
most important that existing
arrangements shd be disturbed
as little as possible until
the Survey Settlement"

Page is omitted in the original
to be in the Record
HL.

(2) on the introduction of Survey
Settlement in 1890, the
Sub Dr Supt of French Rocks
appointed the appltr a Joint
patel of the Village & The
order was confirmed in appeal
by the Ds Comr but was in
2nd appeal reversed by the
Supt on the ground that the
was against Mahr policy to
appoint 2 patels for one
Village

(3) In March 1896 Thimme
Gowda died & in Jany 1897
~~the Govt~~ the respondent
was appointed, as pairi
in Succession by the Sub Dr Supt of French Rocks
by the appellant, the answer
respondent to the Ds Comr that the
respondent had mortgaged all
his Lands to a Sahukar, the Ds
Comr, in confirming the order
appealed against, directed that
the respt Shd redeem his
property from mortgage within 2
years failing wh his further

retention in the office of Sheriff would
have to be Considered
Since the appeal by [illegible]
order thereon is 5-830-37
[illegible] 24
The Govt's order is affirmed
& the appeal dismissed. The
Govt will be, after expiry
of the period mentioned in his
order, that the respondent
frees his land from mortgage
and proves himself
worthy of being entrusted
with the responsible duties of
Patel

Sec
20/2/99.

Govt,
after
expiry, no re-Sec
20/2/99

[illegible]

[illegible]

[illegible]
23-2-99

Press copy put up
22-2

Proceedings of the Government of Mysore, Petition, dated 24th February 1899.

Appellant. Mayigauda. *versus* *Respondent.* Girigauda.

READ—

(1) Petition of Appeal No. 36 of 1897-98, presented by Mayigauda of the village of Palhalli, Seringapatam taluk, against the order of the Deputy Commissioner, Mysore district, declining to appoint the appellant either as sole or joint patel of the said village.

(2) Letter No. 13, dated 9th July 1898, from the Deputy Commissioner, Mysore district, reporting on the above.

(3) Records of the case.

Timmegauda, father of the respondent, became the patel of the village in 1862-63. In 1874-75, Marigauda, father of the appellant, brought a suit in the Court of the Deputy Commissioner, Mysore district, for the recovery of the pateli office and obtained a decree entitling him to officiate as joint patel. This decree was confirmed in appeal by the Commissioner of Ashtagram Division, but was reversed in 2nd appeal by the Chief Commissioner who observed that Marigauda "had forfeited his right, if he had any, by his own laches and that it was most important that existing arrangements should be disturbed as little as possible until Survey Settlement."

2. On the introduction of Survey Settlement in 1890, the Sub-Division Officer of French Rocks, appointed the appellant as joint patel of the village. This order was confirmed in appeal by the Deputy Commissioner but was in 2nd appeal reversed by the Government on the ground that it was against its policy to appoint two patels for one village.

3. In March 1896, Timmegauda died and in January 1897 the respondent was appointed by the Sub-Division Officer of French Rocks as patel in succession. As on appeal by the appellant, the Amildar reported to the Deputy Commissioner that the respondent had mortgaged all his lands to a sahukar, the Deputy Commissioner, in confirming the order appealed against, directed that the respondent should redeem his property from mortgage within two years, failing which his further retention in the office or otherwise would have to be considered. Hence this 2nd appeal to Government.

No. 5830-37—F. F. 57-98, DATED BANGALORE, 24TH FEBRUARY 1899.

ORDER THEREON.—The Deputy Commissioner's order is affirmed and the appeal dismissed. The Deputy Commissioner will see, after expiry of the period mentioned in his order, that the respondent frees his land from mortgage and proves himself worthy of being entrusted with the responsible duties of patel.

C. SREENIVASIENGAR,
Dy. to Govt., Gen. & Rev. Depts.

The Deputy Commissioner, Mysore District, with records.
The Deputy Commissioners of other Districts.

Exd.—

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 24th February 1899

No. 5830-37
Pet. F. 57-98

Dismissing the appeal of Mayigauda of Palhalli, Seringapatam taluk, re his claim to the pateli of the village; and directing the Deputy Commissioner to see that the respondent Girigauda redeems his lands from mortgage within the period fixed by the Deputy Commissioner.

MGBPP—4-3-99—200.

W.P. 88-97-S

(12) 23-2-99

By Order

P.S.

By Order

Secretary.